

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 56, 57 and 61-116 remain active in the application subsequent to entry of this Amendment.

The claims have been amended in order to more particularly point out and distinctly claim that which applicants regard as their invention. In particular, the feature of a specified light resistance, found in many of the previous dependent claims such as claims 68, 79, 86, etc., has been incorporated into the relevant independent claims. By this Amendment the nature of the present invention is further characterized and will be more closely associated with the comparative evidence provided in the attached Declaration.

Attached to this response is an Evidentiary Declaration of the senior inventor Mr. Hayashi made January 28, 2005 in which various comparisons are made as discussed in that document.

The issues raised in the outstanding Official Action relate to prior art-based rejections, the first directed to claim 116 only, in which the examiner alleges anticipation by the Winnik patent, while the remaining claims are rejected as allegedly being obvious over the same document considered in combination with two secondary references. To the extent the examiner's concerns might extend to the amended claims presented above, these rejections are traversed.

Applicants' claims are directed to rubber or resin compositions composed of a rubber or resin base and a pigment including composite particles having an average particle diameter of 0.001 to 10.0 μm and a tinting strength of not less than 110%. The composite particles contain white inorganic particles as core particles, a gluing agent coating layer formed on a surface of the white inorganic particle, and an organic pigment coat formed on the gluing agent coating layer in an amount specified in the claims.

Applicants have found that by using a pigment containing the composite particles of the invention, the resulting rubber or resin composition exhibits a storage stability (ΔE^* value), a 60° gloss, a specified light resistance (ΔE^* value) and transparency.

Item 6 of the Official Action comments that a certified copy of JP 2002-059439 is not of record in the subject application. In fact, this application does not claim benefit of priority of

this filing. For the record, a certified copy of JP 2002-059439 was submitted in application Serial No. 10/160,297 filed June 4, 2002, now U.S. Patent 6,623,557.

U.S. Patent No. 5,378,574 to Winnik discloses colored particles consisting essentially of hydrophilic silica particles, to the surfaces of which dyes are covalently bonded through silane coupling agents. The dyes are selected from anthraquinones, phthalocyanines, aza [1-8] annulenes, formazan copper complexes, and triphenodioxazines, to which are covalently attached reactive groups.

However, as seen from Mr. Hayashi's Declaration attached hereto the pigment used containing the composite particles is novel, thus the obtained rubber or resin composition is also novel. Further, the rubber or resin composition of the present invention is superior in storage stability (ΔE^* value), 60° gloss, light resistance (ΔE^* value) and transparency to the products of U.S. Patent No. 5,378,574.

In addition, Japanese Patent Application Laid-open (KOKAI) No. 1-138114 (JP 01138114) states "The present invention relates to a process for producing a spherical colored silica powder. The spherical colored silica powder is used in a large amount thereof as a reinforced filler for a synthetic rubber, and further, utilized in fields of a spreader for agricultural chemicals, a delustering agent for a paint lacquer, a synthetic resin, an adhesive, cosmetics or the like".

In contrast to the above quotation, the Examiner states in the Office Action that "JP prior art discloses colored silica that is utilized as a filler for synthetic rubber or a coloring agent for paint and synthetic resin". However, the expression "coloring agent for paint and synthetic resin" is incorrect – there is no description: "coloring agent" in JP prior art (JP 01138114).

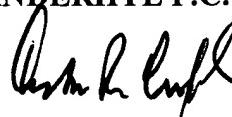
For the above reasons it is respectfully submitted that the claims of this application define novel and inventive subject matter. Reconsideration and allowance are solicited. If for any reason the examiner requires further information, please contact the undersigned by telephone.

HAYASHI et al.
Appl. No. 09/940,866
February 3, 2005

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Arthur R. Crawford
Reg. No. 25,327

ARC:eaw
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100